

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JOHN PIEPER,

Petitioner,

**8:23CV9**

vs.

ROB JEFFREYS,

Respondent.

**MEMORANDUM AND ORDER**

Before the Court are two motions, one filed by Respondent, [Filing No. 38](#), and the other by Petitioner, [Filing No. 40](#), both of which relate to Respondent's Motion to Dismiss (the "Motion to Dismiss"), filed on January 16, 2024, [Filing No. 36](#), which is currently pending before this Court.

Respondent's motion seeks a thirty-day extension of time to file either a motion for summary judgment or state court records in support of an answer following entry of this Court's order on his Motion to Dismiss if his Motion to Dismiss is not granted. [Filing No. 38](#). Respondent's motion is granted.

In relation to Petitioner's motion, on February 8, 2024, Petitioner filed what he captioned a "Motion to Dismiss Objection." [Filing No. 40](#). Upon review, it is clear that Petitioner's "motion" is intended as his brief in opposition to Respondent's Motion Dismiss, [Filing No. 36](#). As such, this Court shall terminate Petitioner's motion and shall consider it as a brief in opposition to Respondent's Motion to Dismiss.

Accordingly,

IT IS ORDERED that:

1. Respondent's Motion for Extension, [Filing No. 38](#), is granted. Respondent shall have thirty days following this Court's issuance of an order addressing the Motion to Dismiss to file either a motion for summary judgment or state court records in support of an answer if the Motion to Dismiss does not fully resolve the case.
2. The Clerk's office is directed to term the motion at [Filing No. 40](#). The Court will treat [Filing No. 40](#) as Petitioner's brief in opposition to Respondent's Motion to Dismiss.
3. Respondent shall have until April 17, 2024, to file a reply brief in support of his Motion to Dismiss. The Clerk of Court is directed to set a pro se case management deadline using the following text: **April 17, 2024**: deadline for Respondent's reply brief.

Dated this 3rd day of April, 2024.

BY THE COURT:



Joseph F. Bataillon  
Senior United States District Judge